

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**YATRAM INDERGIT, on behalf of himself
and all others similarly situated,**

Plaintiff,

08 CV 9361 (PGG)

v.

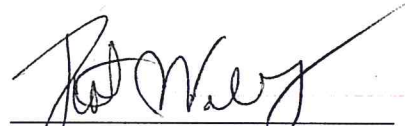
**RITE AID CORPORATION, RITE AID OF
NEW YORK, INC. and FRANCIS
OFFOR as Aider & Abettor,
Defendants.**

**PLAINTIFFS' OBJECTION TO DEFENDANTS' NOTICE OF PRECEDENT IN
SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

Plaintiff Yatram Indergit, on behalf of himself and all others similarly situated, files this objection to Defendants' Notice of Recent Precedent in Further Opposition to Plaintiff's Motion for Class Certification dated March 29, 2013. Defendants cite to *Comcast Corp. v. Behrend*, 2013 U.S. LEXIS 2544 (U.S. Mar. 27, 2013), in support of their opposition to class certification. *Comcast*, an antitrust case, involves facts which are vastly different and distinguishable from the evidence in this FLSA misclassification/overtime case before this Court. The Supreme Court's decision in *Comcast* should have no bearing on the granting of class certification in this case.

To the extent Your Honor grants Defendants an opportunity to provide a detailed analysis of the *Comcast* case and its implications on Plaintiffs' Motion, we respectfully request an opportunity to respond.

Dated: April 2, 2013



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cc: All Counsel of Record (via ECF)